

STATEMENT OF PURPOSE

RS22467C2

The Supreme Court's Guardianship and Conservatorship Committee recommends statutory amendments to improve the monitoring of guardianships and conservatorships to better protect minors, incapacitated adults, and persons with disabilities. Idaho Code includes several detailed provisions regarding the content and form of reports to be filed with the court by guardians and reports, inventories, and accountings to be filed by conservators. It is the view of the judges, practitioners and other concerned individuals on the Guardianship and Conservatorship Committee, that modifications of these requirements will more readily reflect the information that is needed to ensure the protection of those persons whose health, welfare, and assets are at risk by allowing the Supreme Court to specify the form and content of these filings in rules. This bill simplifies provisions for filings in the statutes and amends the statutes to provide that reports, accountings, and inventories are to be made under oath or affirmation and shall comply with the Idaho Supreme Court rules. The position of court visitor is defined in Idaho Code § 15-5-308. In guardianship and conservatorship cases, the visitor has the responsibility to investigate and report to the court on all of the critical aspects of a guardianship or conservatorship, including the nature of the incapacity, the needs of the individual, the appropriateness of the guardian or conservator whose appointment is sought, whether a full or limited guardianship or conservatorship should be ordered, and other important information. As a continuing effort to improve the monitoring of guardianships and conservatorships to better protect minors, incapacitated adults, and persons with disabilities, the court may use court personnel to provide court visitor services through the Guardianship and Conservatorship Project Fund, established by Idaho Code § 31-3201G. This bill amends section 15-5-314, Idaho Code, to provide that any money recovered from the ward's estate for visitor services provided by court personnel will be deposited into the Guardianship and Conservatorship Project fund, Idaho Code § 31-3201G.

FISCAL NOTE

There is no impact on the state general fund.

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